

# SENATE, No. 630

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## STATE OF NEW JERSEY 215th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Morris, Somerset and Union)**

**SYNOPSIS**

Requires sex offender's tier designation to be completed and reviewed by the court prior to release from incarceration.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1    **AN ACT** concerning sex offenders and amending P.L.1994, c.128.

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3       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
4 *of New Jersey:*

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6       1. Section 3 of P.L.1994, c.128 (C.2C:7-8) is amended to read  
7 as follows:

8       3. a. After consultation with members of the advisory council  
9 established pursuant to section 6 of this act and within 60 days of  
10 the effective date, the Attorney General shall promulgate guidelines  
11 and procedures for the notification required pursuant to the  
12 provisions of this act. The guidelines shall identify factors relevant  
13 to risk of re-offense and shall provide for three levels of notification  
14 depending upon the degree of the risk of re-offense.

15       b. Factors relevant to risk of re-offense shall include, but not be  
16 limited to, the following:

17       (1) Conditions of release that minimize risk of re-offense,  
18 including but not limited to whether the offender is under  
19 supervision of probation or parole **【;】** or receiving counseling,  
20 therapy or treatment **【**; or residing in a home situation that provides  
21 guidance and supervision**】**;

22       (2) Physical conditions that minimize risk of re-offense,  
23 including but not limited to advanced age or debilitating illness;

24       (3) Criminal history factors indicative of high risk of re-offense,  
25 including:

26       (a) Whether the offender's conduct was found to be  
27 characterized by repetitive and compulsive behavior;

28       (b) Whether the offender served the maximum term;

29       (c) Whether the offender committed the sex offense against a  
30 child;

31       (4) Other criminal history factors to be considered in  
32 determining risk, including:

33       (a) The relationship between the offender and the victim;

34       (b) Whether the offense involved the use of a weapon, violence,  
35 or infliction of serious bodily injury;

36       (c) The number, date and nature of prior offenses;

37       (5) Whether psychological or psychiatric profiles indicate a risk  
38 of recidivism;

39       (6) The offender's response to treatment;

40       (7) Recent behavior, including behavior while confined or while  
41 under supervision in the community as well as behavior in the  
42 community following service of sentence; and

43       (8) Recent threats against persons or expressions of intent to  
44 commit additional crimes.

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 c. The **【regulations】** guidelines shall provide for three levels of  
2 notification depending upon the risk of re-offense by the offender as  
3 follows:

4 (1) If risk of re-offense is low, law enforcement agencies likely  
5 to encounter the person registered shall be notified;

6 (2) If risk of re-offense is moderate, organizations in the  
7 community including schools, religious and youth organizations  
8 shall be notified in accordance with the Attorney General's  
9 guidelines, in addition to the notice required by paragraph (1) of  
10 this subsection;

11 (3) If risk of re-offense is high, the public shall be notified  
12 through means in accordance with the Attorney General's guidelines  
13 designed to reach members of the public likely to encounter the  
14 person registered, in addition to the notice required by paragraphs  
15 (1) and (2) of this subsection.

16 d. In order to promote uniform application of the notification  
17 guidelines required by this section, the Attorney General shall  
18 develop procedures for evaluation of the risk of re-offense and  
19 implementation of community notification. These procedures shall  
20 require, but not be limited to, the following:

21 (1) The county prosecutor of the county where the **【person】**  
22 offender was convicted and the county prosecutor of the county  
23 where the **【registered person】** offender will reside, together with  
24 any law enforcement officials that either deems appropriate, shall  
25 assess the risk of re-offense by the **【registered person】** offender  
26 prior to the offender's release from incarceration. The court shall  
27 complete its review of the prosecutor's assessment and determine  
28 the plan for notification prior to the offender's release from  
29 incarceration;

30 (2) The county prosecutor of the county in which the **【registered**  
31 **person】** offender will reside, after consultation with local law  
32 enforcement officials, shall determine the means of providing  
33 notification.

34 e. The Attorney General's guidelines shall provide for the  
35 manner in which records of notification provided pursuant to this  
36 act shall be maintained and disclosed.

37 (cf: P.L.1994, c.128, s.3)

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39 2. This act shall take effect on first day of the third month after  
40 enactment.

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#### STATEMENT

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45 Under the provisions of this bill, county prosecutors are required  
46 to determine a sex offender's risk of re-offense, or tier, prior to the  
47 inmate's release from incarceration. The bill also requires the court

1 to complete its review of the prosecutor's assessment and determine  
2 the plan for notification prior to the offender's release from  
3 incarceration. Currently, sex offenders may move into the  
4 community prior to being tiered and the offender may reside in the  
5 community for a period while his tier rating is being reviewed and a  
6 notification plan developed.